UNITED
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Security Council

Distr.
GENERAL

S/RES/954 (1994)
4 November 1994

RESOLUTION 954 (1994)

Adopted by the Security Council at its 3447th meeting,
on 4 November 1994

The Security Council,

Recalling its resolution 733 (1992) of 23 January 1992 and all other relevant resolutions,

Noting with appreciation the work of the Security Council's mission in transmitting directly to Somalia's political parties the views of the Council on the situation in Somalia and on the future of the United Nations in that country,

Having considered the reports of the Secretary-General dated 17 September 1994 (S/1994/1068) and 14 October 1994 (S/1994/1166), and the oral report of the Security Council's mission to Somalia given on 31 October 1994,

Paying tribute to the thousands of personnel of the United Nations Operation in Somalia (UNOSOM), and to the Unified Task Force (UNITAF) as well as humanitarian relief personnel who have served in Somalia, and honouring, in particular, those who have sacrificed their lives in this service,

Noting that hundreds of thousands of human lives have been rescued from famine in Somalia through the efforts of the United Nations and the international community,

Commending the efforts of the special representatives of the Secretary-General to bring Somali factions together in national reconciliation,

Reaffirming that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and bringing peace to Somalia,

Convinced that only a genuinely inclusive approach to political reconciliation would provide for a lasting political settlement and re-emergence of a civil society in Somalia,

Recalling that the date already foreseen for termination of the current United Nations Operation in Somalia (UNOSOM II) is the end of March 1995,

Recognizing that the lack of progress in the Somali peace process and in national reconciliation, in particular the lack of sufficient cooperation from the Somali parties over security issues, has fundamentally undermined the United Nations objectives in Somalia and, in these circumstances, continuation of UNOSOM II beyond March 1995 cannot be justified,

Recognizing further that termination of the mandate of UNOSOM II by the end of March 1995 implies a secure and orderly phasing out of its military component in advance of that date,

Noting the assurances of cooperation and non-interference with such withdrawal received from all Somali parties during the Council's mission to Somalia,

Re-emphasizing the importance the Council attaches to the safety and security of United Nations and other personnel engaged in humanitarian relief and peace-keeping in Somalia,

Underlining particularly, in this context, the overriding need for all possible measures and precautions to be taken to ensure that UNOSOM II does not suffer any casualties in the process of withdrawal,

Emphasizing its willingness to encourage the Secretary-General to sustain a facilitating or mediating political role for Somalia beyond March 1995 if that is what the Somalis want and if the Somali parties are willing to cooperate with the United Nations,

Concerned that the United Nations should continue to work with regional organizations, in particular the Organization of African Unity (OAU), the League of Arab States, and the Organization of the Islamic Conference (OIC), and with the Governments of neighbouring countries to promote reconciliation in Somalia and the re-emergence of a civil society there,

Recognizing also the impact that the situation in Somalia has had on neighbouring countries including, in particular, flows of refugees,

Noting also that the United Nations will do its best to sustain humanitarian activities in Somalia and to encourage non-governmental organizations to do likewise, but that their ability to do so will depend almost entirely on the degree of cooperation and security offered by Somali parties,

Confident of the willingness of the United Nations to remain ready to provide through its various agencies rehabilitation and reconstruction assistance, including assistance to the police and judiciary to the extent that the situation in Somalia develops in such a way as to make that practicable,

Noting further the interest of humanitarian agencies and non-governmental organizations in cooperating with the United Nations after the withdrawal of UNOSOM II in transitional arrangements for mutual assistance,

Determining that the situation in Somalia continues to threaten peace and security, and having regard to the exceptional circumstances including, in particular, the absence of a government in Somalia, acting under Chapter VII of the Charter of the United Nations,

1. Decides to extend the mandate of UNOSOM II for a final period until 31 March 1995;

2. Affirms that the primary purpose of UNOSOM II until its termination is to facilitate political reconciliation in Somalia;

3. Welcomes the intention of the Secretary-General, expressed in paragraph 23 of his report dated 14 October 1994, to continue throughout the period of the mandate of UNOSOM II, and even afterwards, the efforts of his special representative to help the Somali parties achieve national reconciliation;

4. Urges all Somali factions to negotiate as soon as possible an effective cease-fire and the formation of a transitional government of national unity;

5. Decides that every effort should be made to withdraw all UNOSOM II military forces and assets from Somalia in a secure and orderly manner as soon as possible, as described in the Secretary-General's report dated 14 October 1994, before the expiry date of the current mandate of UNOSOM II and without compromising on the paramount need of ensuring the safety of UNOSOM II personnel;

6. Authorizes UNOSOM II military forces to take those actions necessary to protect the UNOSOM II mission and the withdrawal of UNOSOM II personnel and assets, and, to the extent that the Force Commander deems it practicable and consistent, in the context of withdrawal, to protect personnel of relief organizations;

7. Emphasizes the responsibility of the Somali parties for the security and safety of UNOSOM II and other personnel engaged in humanitarian activities and in this context strongly demands that all parties in Somalia refrain from any acts of intimidation or violence against such personnel;

8. Requests Member States to provide assistance in the withdrawal of all UNOSOM II military forces and assets, including vehicles, weapons, and other equipment;

9. Requests that the Secretary-General keep the Council informed about the progress of the withdrawal process;

10. Invites the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference to continue their efforts in cooperation with the United Nations in the search for lasting peace in Somalia;

11. Calls upon all Member States, in particular the neighbouring States, to continue to provide support for all Somali efforts towards genuine peace and

national reconciliation and to refrain from any action capable of exacerbating the conflict situation in Somalia;

12. Reiterates the need for the observance and strict monitoring of the general and complete embargo on all deliveries of weapons and military equipment to Somalia, as decided in paragraph 5 of resolution 733 (1992) and in this regard requests the Committee established by resolution 751 (1992) of 24 April 1992 to fulfil its mandate as described in paragraph 11 of that resolution, in particular to seek the cooperation of neighbouring States for the effective implementation of this embargo;

13. Further requests the Secretary-General to continue to monitor the situation in Somalia and to the extent possible to keep the Security Council informed in particular about developments affecting the humanitarian situation, the security situation for humanitarian personnel in Somalia, repatriation of refugees and impacts on neighbouring countries; and to report to the Security Council before 31 March 1995 on the situation in Somalia and to submit suggestions concerning the role that the United Nations could play in Somalia beyond that date;

14. Decides to remain actively seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/955 (1994)
8 November 1994

RESOLUTION 955 (1994)

Adopted by the Security Council at its 3453rd meeting,
on 8 November 1994

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda,

Having considered the reports of the Secretary-General pursuant to paragraph 3 of resolution 935 (1994) of 1 July 1994 (S/1994/879 and S/1994/906), and having taken note of the reports of the Special Rapporteur for Rwanda of the United Nations Commission on Human Rights (S/1994/1157, annex I and annex II),

Expressing appreciation for the work of the Commission of Experts established pursuant to resolution 935 (1994), in particular its preliminary report on violations of international humanitarian law in Rwanda transmitted by the Secretary-General's letter of 1 October 1994 (S/1994/1125),

Expressing once again its grave concern at the reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law have been committed in Rwanda,

Determining that this situation continues to constitute a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the process of national reconciliation and to the restoration and maintenance of peace,

Believing that the establishment of an international tribunal for the prosecution of persons responsible for genocide and the other above-mentioned violations of international humanitarian law will contribute to ensuring that such violations are halted and effectively redressed,

Stressing also the need for international cooperation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with large numbers of suspects,

Considering that the Commission of Experts established pursuant to resolution 935 (1994) should continue on an urgent basis the collection of information relating to evidence of grave violations of international humanitarian law committed in the territory of Rwanda and should submit its final report to the Secretary-General by 30 November 1994,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides hereby, having received the request of the Government of Rwanda (S/1994/1115), to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 and to this end to adopt the Statute of the International Criminal Tribunal for Rwanda annexed hereto;

2. Decides that all States shall cooperate fully with the International Tribunal and its organs in accordance with the present resolution and the Statute of the International Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the Statute, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under Article 28 of the Statute, and requests States to keep the Secretary-General informed of such measures;

3. Considers that the Government of Rwanda should be notified prior to the taking of decisions under articles 26 and 27 of the Statute;

4. Urges States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel;

5. Requests the Secretary-General to implement this resolution urgently and in particular to make practical arrangements for the effective functioning of the International Tribunal, including recommendations to the Council as to possible locations for the seat of the International Tribunal at the earliest time and to report periodically to the Council;

6. Decides that the seat of the International Tribunal shall be determined by the Council having regard to considerations of justice and fairness as well as administrative efficiency, including access to witnesses, and economy, and subject to the conclusion of appropriate arrangements between the United Nations and the State of the seat, acceptable to the Council, having regard to the fact that the International Tribunal may meet away from its seat when it considers it necessary for the efficient exercise of its functions; and decides that an office will be established and proceedings will be conducted in

Rwanda, where feasible and appropriate, subject to the conclusion of similar appropriate arrangements;

7. Decides to consider increasing the number of judges and Trial Chambers of the International Tribunal if it becomes necessary;

8. Decides to remain actively seized of the matter.

Annex

Statute of the International Tribunal for Rwanda

Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 (hereinafter referred to as "the International Tribunal for Rwanda") shall function in accordance with the provisions of the present Statute.

Article 1

Competence of the International Tribunal for Rwanda

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, in accordance with the provisions of the present Statute.

Article 2

Genocide

1. The International Tribunal for Rwanda shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

Article 3

Crimes against humanity

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds:

(a) Murder;

(b) Extermination;

(c) Enslavement;

(d) Deportation;

(e) Imprisonment;

(f) Torture;

(g) Rape;

(h) Persecutions on political, racial and religious grounds;

(i) Other inhumane acts.

Article 4

Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II

The International Tribunal for Rwanda shall have the power to prosecute persons committing or ordering to be committed serious violations of Article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977. These violations shall include, but shall not be limited to:

(a) Violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;

(b) Collective punishments;

(c) Taking of hostages;

(d) Acts of terrorism;

(e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;

(f) Pillage;

(g) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;

(h) Threats to commit any of the foregoing acts.

Article 5

Personal jurisdiction

The International Tribunal for Rwanda shall have jurisdiction over natural persons pursuant to the provisions of the present Statute.

Article 6

Individual criminal responsibility

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 4 of the present Statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

3. The fact that any of the acts referred to in articles 2 to 4 of the present Statute was committed by a subordinate does not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal for Rwanda determines that justice so requires.

Article 7

Territorial and temporal jurisdiction

The territorial jurisdiction of the International Tribunal for Rwanda shall extend to the territory of Rwanda including its land surface and airspace as well as to the territory of neighbouring States in respect of serious violations of international humanitarian law committed by Rwandan citizens. The temporal jurisdiction of the International Tribunal for Rwanda shall extend to a period beginning on 1 January 1994 and ending on 31 December 1994.

Article 8

Concurrent jurisdiction

1. The International Tribunal for Rwanda and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The International Tribunal for Rwanda shall have primacy over the national courts of all States. At any stage of the procedure, the International Tribunal for Rwanda may formally request national courts to defer to its competence in accordance with the present Statute and the Rules of Procedure and Evidence of the International Tribunal for Rwanda.

Article 9

Non bis in idem

1. No person shall be tried before a national court for acts constituting serious violations of international humanitarian law under the present Statute, for which he or she has already been tried by the International Tribunal for Rwanda.

2. A person who has been tried by a national court for acts constituting serious violations of international humanitarian law may be subsequently tried by the International Tribunal for Rwanda only if:

(a) The act for which he or she was tried was characterized as an ordinary crime; or

(b) The national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the International Tribunal for Rwanda shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

Article 10

Organization of the International Tribunal for Rwanda

The International Tribunal for Rwanda shall consist of the following organs:

(a) The Chambers, comprising two Trial Chambers and an Appeals Chamber;

(b) The Prosecutor; and

(c) A Registry.

Article 11

Composition of the Chambers

The Chambers shall be composed of eleven independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

(a) Three judges shall serve in each of the Trial Chambers;

(b) Five judges shall serve in the Appeals Chamber.

Article 12

Qualification and election of judges

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The members of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal for the Former Yugoslavia") shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

3. The judges of the Trial Chambers of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the Trial Chambers from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within thirty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge on the Appeals Chamber;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twelve and not more than eighteen candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the six judges of the Trial Chambers. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-Member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

4. In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

5. The judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

Article 13

Officers and members of the Chambers

1. The judges of the International Tribunal for Rwanda shall elect a President.

2. After consultation with the judges of the International Tribunal for Rwanda, the President shall assign the judges to the Trial Chambers. A judge shall serve only in the Chamber to which he or she was assigned.

3. The judges of each Trial Chamber shall elect a Presiding Judge, who shall conduct all of the proceedings of that Trial Chamber as a whole.

Article 14

Rules of procedure and evidence

The judges of the International Tribunal for Rwanda shall adopt, for the purpose of proceedings before the International Tribunal for Rwanda, the rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters of the International Tribunal for the Former Yugoslavia with such changes as they deem necessary.

Article 15

The Prosecutor

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The Prosecutor shall act independently as a separate organ of the International Tribunal for Rwanda. He or she shall not seek or receive instructions from any Government or from any other source.

3. The Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda. He or she shall have additional staff, including an additional Deputy Prosecutor, to assist with prosecutions before the International Tribunal for Rwanda. Such

staff shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

Article 16

The Registry

1. The Registry shall be responsible for the administration and servicing of the International Tribunal for Rwanda.

2. The Registry shall consist of a Registrar and such other staff as may be required.

3. The Registrar shall be appointed by the Secretary-General after consultation with the President of the International Tribunal for Rwanda. He or she shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an Assistant Secretary-General of the United Nations.

4. The staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar.

Article 17

Investigation and preparation of indictment

1. The Prosecutor shall initiate investigations ex-officio or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed.

2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.

3. If questioned, the suspect shall be entitled to be assisted by counsel of his or her own choice, including the right to have legal assistance assigned to the suspect without payment by him or her in any such case if he or she does not have sufficient means to pay for it, as well as to necessary translation into and from a language he or she speaks and understands.

4. Upon a determination that a prima facie case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime or crimes with which the accused is charged under the Statute. The indictment shall be transmitted to a judge of the Trial Chamber.

Article 18

Review of the indictment

1. The judge of the Trial Chamber to whom the indictment has been transmitted shall review it. If satisfied that a prima facie case has been established by the Prosecutor, he or she shall confirm the indictment. If not so satisfied, the indictment shall be dismissed.

2. Upon confirmation of an indictment, the judge may, at the request of the Prosecutor, issue such orders and warrants for the arrest, detention, surrender or transfer of persons, and any other orders as may be required for the conduct of the trial.

Article 19

Commencement and conduct of trial proceedings

1. The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

2. A person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the International Tribunal for Rwanda, be taken into custody, immediately informed of the charges against him or her and transferred to the International Tribunal for Rwanda.

3. The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea. The Trial Chamber shall then set the date for trial.

4. The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and evidence.

Article 20

Rights of the accused

1. All persons shall be equal before the International Tribunal for Rwanda.

2. In the determination of charges against him or her, the accused shall be entitled to a fair and public hearing, subject to article 21 of the Statute.

3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.

4. In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;

(b) To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;

(c) To be tried without undue delay;

(d) To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;

(f) To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the International Tribunal for Rwanda;

(g) Not to be compelled to testify against himself or herself or to confess guilt.

Article 21

Protection of victims and witnesses

The International Tribunal for Rwanda shall provide in its rules of procedure and evidence for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of in camera proceedings and the protection of the victim's identity.

Article 22

Judgement

1. The Trial Chambers shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.

2. The judgement shall be rendered by a majority of the judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

Article 23

Penalties

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of Rwanda.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

Article 24

Appellate proceedings

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor on the following grounds:

(a) An error on a question of law invalidating the decision; or

(b) An error of fact which has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chambers.

Article 25

Review proceedings

Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit to the International Tribunal for Rwanda an application for review of the judgement.

Article 26

Enforcement of sentences

Imprisonment shall be served in Rwanda or any of the States on a list of States which have indicated to the Security Council their willingness to accept convicted persons, as designated by the International Tribunal for Rwanda. Such

imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal for Rwanda.

Article 27

Pardon or commutation of sentences

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal for Rwanda accordingly. There shall only be pardon or commutation of sentence if the President of the International Tribunal for Rwanda, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.

Article 28

Cooperation and judicial assistance

1. States shall cooperate with the International Tribunal for Rwanda in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.

2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to:

(a) The identification and location of persons;

(b) The taking of testimony and the production of evidence;

(c) The service of documents;

(d) The arrest or detention of persons;

(e) The surrender or the transfer of the accused to the International Tribunal for Rwanda.

Article 29

The status, privileges and immunities of the International Tribunal for Rwanda

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall apply to the International Tribunal for Rwanda, the judges, the Prosecutor and his or her staff, and the Registrar and his or her staff.

2. The judges, the Prosecutor and the Registrar shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

3. The staff of the Prosecutor and of the Registrar shall enjoy the privileges and immunities accorded to officials of the United Nations under articles V and VII of the Convention referred to in paragraph 1 of this article.

4. Other persons, including the accused, required at the seat or meeting place of the International Tribunal for Rwanda shall be accorded such treatment as is necessary for the proper functioning of the International Tribunal for Rwanda.

Article 30

Expenses of the International Tribunal for Rwanda

The expenses of the International Tribunal for Rwanda shall be expenses of the Organization in accordance with Article 17 of the Charter of the United Nations.

Article 31

Working languages

The working languages of the International Tribunal shall be English and French.

Article 32

Annual report

The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/RES/956 (1994)
10 November 1994

RESOLUTION 956 (1994)

Adopted by the Security Council at its 3455th meeting, on 10 November 1994

The Security Council,

Recalling Chapter XII of the Charter of the United Nations which established an international trusteeship system,

Conscious of its responsibility relating to strategic areas as set forth in Article 83, paragraph 1, of the Charter,

Recalling its resolution 21 (1947) of 2 April 1947 by which it approved the Trusteeship Agreement for the former Japanese Mandated Islands, since known as the Trust Territory of the Pacific Islands, 1/

Noting that the Trusteeship Agreement designated the United States of America as Administering Authority of the Trust Territory,

Mindful that article 6 of the Trusteeship Agreement, in conformity with Article 76 of the Charter, obligated the Administering Authority, inter alia, to promote the development of the inhabitants of the Trust Territory towards self-government or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned,

Aware that, towards this end, negotiations between the Administering Authority and representatives of the Trust Territory began in 1969 and resulted in the conclusion of a Compact of Free Association in the case of Palau,

Satisfied that the people of Palau have freely exercised their right to self-determination in approving the new status agreement in a plebiscite observed by a visiting mission of the Trusteeship Council and that, in addition

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1/ Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957.VI.A.1).

to this plebiscite, the duly constituted legislature of Palau has adopted a resolution approving the new status agreement, 2/ thereby freely expressing their wish to terminate the status of Palau as a Trust Territory,

Taking note of resolution 2199 (LXI) of the Trusteeship Council of 25 May 1994,

Determines, in the light of the entry into force on 1 October 1994 of the new status agreement for Palau, that the objectives of the Trusteeship Agreement have been fully attained, and that the applicability of the Trusteeship Agreement has terminated with respect to Palau.

2/ Republic of Palau Public Law Nos. 376 of 20 August 1992 and 4-9 of 16 July 1993 as adopted by the Olbiil Era Kelulau (Palau National Congress).

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Distr.
GENERAL

S/RES/957 (1994)
15 November 1994

RESOLUTION 957 (1994)

Adopted by the Security Council at its 3458th meeting,
on 15 November 1994

The Security Council,

Reaffirming its resolution 782 (1992) of 13 October 1992 and all subsequent relevant resolutions,

Taking note of the letter from the Secretary-General to the President of the Security Council on the United Nations Operation in Mozambique (ONUMOZ) dated 9 November 1994 (S/1994/1282),

Having considered the report of the Secretary-General on ONUMOZ dated 26 August 1994 (S/1994/1002),

Having considered also the report of the Security Council Mission to Mozambique, dated 29 August 1994 (S/1994/1009),

Commending the efforts of the Secretary-General, his Special Representative and all the staff of ONUMOZ,

1. Welcomes the elections that took place in Mozambique on 27, 28 and 29 October 1994 in accordance with the General Peace Agreement;

2. Reiterates its intention to endorse the results of the elections should the United Nations declare them free and fair and calls upon all Mozambican parties to accept and fully abide by the results of the elections;

3. Also calls upon all Mozambican parties to complete the process of national reconciliation based, as provided for in the General Peace Agreement, on a system of multi-party democracy and the observance of democratic principles which will ensure lasting peace and political stability;

4. Decides to extend the existing mandate of ONUMOZ until the new Government of Mozambique takes office, as recommended by the Secretary-General in his letter of 9 November 1994, but not later than 15 December 1994, and

authorizes ONUMOZ, in particular a limited number of civilian logisticians, mine clearance and training personnel, military specialists, staff officers and a small detachment of infantry, to complete its residual operations prior to its withdrawal on or before 31 January 1995;

5. Requests the Secretary-General to advise the Security Council when the installation of the new government has been accomplished;

6. Approves the withdrawal schedule as described by the Secretary-General in his report of 26 August 1994 and in his letter of 9 November 1994 for the safe and orderly withdrawal of all ONUMOZ military and civilian personnel before 31 January 1995;

7. Invites the Secretary-General to submit in timely fashion a final report on the termination of ONUMOZ;

8. Decides to remain actively seized of the matter.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/RES/958 (1994)
19 November 1994

RESOLUTION 958 (1994)

Adopted by the Security Council at its 3461st meeting, on 19 November 1994

The Security Council,

Recalling all its earlier relevant resolutions, and in particular its resolution 836 (1993) of 4 June 1993,

Recalling also the statement of the President of the Security Council of 13 November 1994 (S/PRST/1994/66) and 18 November 1994 (S/PRST/1994/69), and reiterating its concern about the deteriorating situation in and around the safe area of Bihac,

Having considered the letter of 18 November 1994 from the Permanent Representative of the Republic of Croatia to the President of the Security Council (S/1994/1312),

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Croatia,

Determining that the situation in the former Yugoslavia continues to constitute a threat to international peace and security, and determined to support UNPROFOR in the performance of its mandate set out in paragraphs 5 and 9 of resolution 836 (1993), and, to this end, acting under Chapter VII of the Charter of the United Nations,

Decides that the authorization given in paragraph 10 of its resolution 836 (1993) to Member States, acting nationally or through regional organizations or arrangements, to take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the United Nations Protection Force (UNPROFOR), all necessary measures, through the use of air power, in an around the safe areas in the Republic of Bosnia and Herzegovina referred to in resolution 824 (1993) of 6 May 1993, to support UNPROFOR in the performance of its mandate set out in paragraphs 5 and 9 of resolution 836 (1993) shall apply also to such measures taken in the Republic of Croatia.

94-45816 (E)

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/959 (1994)
19 November 1994

RESOLUTION 959 (1994)

Adopted by the Security Council at its 3462nd meeting,
on 19 November 1994

The Security Council,

Recalling all its previous relevant resolutions on the conflict in the Republic of Bosnia and Herzegovina and in particular its resolutions 824 (1993) and 836 (1993),

Reaffirming the need for a lasting peace settlement to be signed by all the Bosnian parties, and implemented in good faith by them, and condemning the decision by the Bosnian Serb party to refuse to accept the proposed territorial settlement (S/1994/1081),

Reaffirming also the independence, sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina,

Expressing special concern about the escalation in recent fighting in the Bihac pocket, including those in, from and around the safe areas, and the flow of refugees and displaced persons resulting from it,

Bearing in mind the importance of facilitating the return of refugees and displaced persons to their homes,

Taking note of the reports of the Secretary-General of 10 March 1994 (S/1994/291) and 16 March 1994 (S/1994/300) and of his recommendations concerning the definition and implementation of the concept of safe areas in his report of 9 May 1994 (S/1994/555),

Recalling the statements by the President of the Security Council of 6 April 1994 (S/PRST/1994/14), 30 June 1994 (S/PRST/1994/31), 13 November 1994 (S/PRST/1994/66) and 18 November 1994 (S/PRST/1994/69),

Reaffirming its previous calls on all parties and others concerned to refrain from any hostile action that could cause further escalation in the fighting, and to achieve urgently a cease-fire in the Bihac area,

Reiterating the importance of maintaining Sarajevo, the capital of the Republic of Bosnia and Herzegovina, as a united city and a multicultural, multi-ethnic and pluri-religious centre, and noting in this context the positive contribution that agreement between the parties on the demilitarization of Sarajevo could make to this end, to the restoration of normal life in Sarajevo, and to achieving an overall settlement, consistent with the Contact Group peace plan,

Taking note of the communiqué on Bosnia and Herzegovina issued on 30 July 1994 by the Troika of the European Union and the Foreign Ministers of the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (S/1994/916) and, in particular, of their commitment to strengthen the regime of safe areas,

1. Expresses its grave concern over the recent hostilities in Bosnia and Herzegovina;

2. Condemns any violation of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina and demands that all parties and others concerned, and in particular the so-called Krajina Serb forces, fully respect the border and refrain from hostile acts across it;

3. Expresses its full support for the efforts by the United Nations Protection Force (UNPROFOR), to ensure implementation of the Security Council resolutions on safe areas;

4. Calls upon all the Bosnian parties to respect fully the status and functions of UNPROFOR and to cooperate with it in its efforts to ensure implementation of the Security Council resolutions on safe areas and demands that all parties and others concerned show maximum restraint and put an end to all hostile actions in and around the safe areas in order to ensure that UNPROFOR can carry out its mandate in this regard effectively and safely;

5. Requests the Secretary-General to update his recommendations on modalities of the implementation of the concept of safe areas and to encourage UNPROFOR, in cooperation with the Bosnian parties, to continue their efforts to achieve agreements on strengthening the regimes of safe areas taking into account the specific situation in each case, and recalls its request to the Secretary-General in the statement by the President of the Security Council of 13 November 1994 to report as soon as possible on any further measures to stabilize the situation in and around the safe area of Bihac;

6. Further requests the Secretary-General and UNPROFOR to intensify efforts aimed at reaching agreement with the Bosnian parties on the modalities of demilitarization of Sarajevo, bearing in mind the need for the restoration of normal life to the city and for free access to and from the city by land and air and the free and unimpeded movement of people, goods and services in and around the city in line with its resolution 900 (1994), particularly operative paragraph 2;

7. Requests the Secretary-General to report on the implementation of the present resolution by 1 December 1994;

8. Decides to remain seized of the matter.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/RES/960 (1994)
21 November 1994

RESOLUTION 960 (1994)

Adopted by the Security Council at its 3464th meeting, on 21 November 1994

The Security Council,

Reaffirming its resolution 782 (1992) and all subsequent relevant resolutions,

Expressing its appreciation for the efforts of the Secretary-General, his Special Representative and the United Nations Operation in Mozambique and its staff for ensuring the successful completion of the electoral process,

1. Welcomes the elections that took place in Mozambique on 27, 28 and 29 October 1994 in accordance with the General Peace Agreement;

2. Welcomes also the statement of the Special Representative of the Secretary-General of 19 November 1994 (SG/SM/5488) on the results of the elections, declaring them free and fair;

3. Endorses the results of these elections;

4. Calls upon all Mozambican parties to stand by their obligation to accept and fully abide by the results of the elections;

5. Also calls upon all Mozambican parties to continue the process of national reconciliation based, as provided for in the General Peace Agreement, on a system of multi-party democracy and the observance of democratic principles which will ensure lasting peace and political stability;

6. Urges all States and relevant international organizations to contribute actively to the reconstruction and rehabilitation of Mozambique;

7. Decides to remain seized of the matter.

94-45991 (E)

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/961 (1994)
23 November 1994

RESOLUTION 961 (1994)

Adopted by the Security Council at its 3465th meeting,
on 23 November 1994

The Security Council,

Recalling its resolution 637 (1989) of 27 July 1989,

Recalling also its resolutions 693 (1991) of 20 May 1991, 714 (1991) of 30 September 1991, 729 (1992) of 14 January 1992, 784 (1992) of 30 October 1992, 791 (1992) of 30 November 1992, 832 (1993) of 27 May 1993, 888 (1993) of 30 November 1993 and 920 (1994) of 26 May 1994, and recalling also the statement of the President of the Council of 16 September 1994 (S/PRST/1994/54),

Having considered the report of the Secretary-General of 31 October 1994 (S/1994/1212),

Having considered also the report of the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups of 28 July 1994, as contained in the letter of the Secretary-General dated 22 October 1994 (S/1994/989),

Noting the request of the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) for a further extension of the mandate of the United Nations Observer Mission in El Salvador (ONUSAL) in the joint declaration dated 4 October 1994, as contained in the letter of the Secretary-General of 10 October 1994 (S/1994/1144),

Concerned by delays in implementing several important elements of the Peace Accords, particularly those regarding the National Civil Police and the completion of demobilization of the National Police, as well as those related to: the transfer of lands, the implementation of programmes to facilitate the reintegration into civilian society of ex-combatants and war disabled, the problems of human settlements, the reform of the judicial and electoral systems, and several recommendations of the Commission on the Truth,

Noting with appreciation the accomplishments of ONUSAL to date and the continuing efforts of the Secretary-General, his Special Representative and ONUSAL to support the full implementation of the agreements signed by the Government of El Salvador and FMLN to maintain and consolidate peace and promote reconciliation in El Salvador,

Welcoming the ongoing efforts of the Secretary-General to contain the costs of ONUSAL,

Welcoming the continuing commitment by all concerned directed towards reconciliation, stability and development in political life in El Salvador, as noted by the Secretary-General in his report of 31 October 1994,

1. Welcomes the report of the Secretary-General of 31 October 1994;

2. Reaffirms the importance of full and timely implementation of all aspects of the Peace Accords, including the recommendations of the Commission on the Truth, and appropriate follow-up to the findings of the Joint Group for Investigation of Politically Motivated Illegal Armed Groups;

3. Expresses concern that important elements of the Peace Accords remain only partially implemented;

4. Calls upon all concerned to cooperate fully with the Secretary-General's Special Representative and ONUSAL in their task of verifying implementation by the parties of their commitments;

5. Urges the Government of El Salvador and the FMLN to redouble their efforts to comply with the "Agreement on a timetable for the implementation of the most important agreements pending" so as to complete implementation of all aspects of the Peace Accords within the period of the timetable and requests the Secretary-General to keep the Security Council informed on a regular basis of the status of implementation of outstanding commitments and ONUSAL operations;

6. Urges all States and the international institutions engaged in the fields of development and finance to contribute promptly and generously in support of the implementation of all aspects of the Peace Accords, as requested jointly by the Government of El Salvador and FMLN;

7. Approves the recommendations by the Secretary-General in his report of 31 October 1994 regarding the implementation by ONUSAL of its mandate;

8. Decides to extend the mandate of ONUSAL for one final period until 30 April 1995;

9. Requests also the Secretary-General to report by 31 March 1995 on ONUSAL, including on the fulfilment and completion of its mandate and on modalities for its withdrawal, to be completed by 30 April 1995, in a manner consistent with the effective performance of its duties;

10. Reaffirms the commitment undertaken by the United Nations to verify full implementation of the Peace Accords; welcomes the intention of the Secretary-General to consider ways for the United Nations to discharge its

remaining verification duties; and invites the Secretary-General, in consultation with competent specialized agencies, regional organizations and Member States, to prepare modalities for further assistance to El Salvador, within the framework of the Peace Accords, for the period after 30 April 1995;

11. Decides to remain seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/962 (1994)
29 November 1994

RESOLUTION 962 (1994)

Adopted by the Security Council at its 3467th meeting,
on 29 November 1994

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force of 18 November 1994 (S/1994/1311),

Decides:

(a) To call upon the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1995;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement Security Council resolution 338 (1973).

94-47218 (E)

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/963 (1994)
29 November 1994

RESOLUTION 963 (1994)

Adopted by the Security Council at its 3469th meeting,
on 29 November 1994

The Security Council,

Having examined the application of the Republic of Palau for admission to the United Nations (S/1994/1315),

Recommends to the General Assembly that the Republic of Palau be admitted to membership in the United Nations.

94-47262 (E)

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/964 (1994)
29 November 1994

RESOLUTION 964 (1994)

Adopted by the Security Council at its 3470th meeting,
on 29 November 1994

The Security Council,

Recalling the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 31 July 1994, 944 (1994) of 29 September 1994 and 948 (1994) of 15 October 1994,

Recalling also the terms of the Governors Island Agreement (S/26063) and the related Pact of New York (S/26297),

Having considered the reports of the Multinational Force in Haiti (MNF), dated 26 September 1994 (S/1994/1107, annex), 10 October 1994 (S/1994/1148, annex), 24 October 1994 (S/1994/1208, annex), 7 November 1994 (S/1994/1258, annex) and 21 November 1994 (S/1994/1321, annex),

Having considered also the reports of the Secretary-General dated 18 October 1994 (S/1994/1180) and 21 November 1994 (S/1994/1322),

Noting the progress made in establishing a secure and stable environment in Haiti,

1. Welcomes the positive developments in Haiti since the deployment of the MNF in peaceful conditions;

2. Commends the efforts made by the MNF in Haiti to establish, in accordance with resolution 940 (1994), a secure and stable environment conducive to the deployment of the United Nations Mission in Haiti (UNMIH);

3. Pays tribute to President Jean-Bertrand Aristide for his efforts to promote national reconciliation;

4. Welcomes the establishment by the UNMIH advance team and the MNF of a joint working group to prepare for the transition;

5. Authorizes the Secretary-General to strengthen progressively the advance team of UNMIH up to 500 personnel in order to further facilitate planning of UNMIH, identification of conditions required for the transition from the MNF to UNMIH and preparation for the actual transition, as well as to make good offices available for the achievement of the purposes approved by the Security Council in resolution 940 (1994);

6. Requests the Secretary-General to inform the Council at regular intervals on prospective increases in the strength of the UNMIH advance team; such increases should take place in close coordination with the MNF Commander;

7. Invites the Secretary-General to expedite planning for the full deployment of UNMIH;

8. Encourages continuous close coordination between the MNF and the UNMIH advance team;

9. Decides to remain actively seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/964 (1994)*
29 November 1994

RESOLUTION 964 (1994)

Adopted by the Security Council at its 3470th meeting,
on 29 November 1994

The Security Council,

Recalling the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 933 (1994) of 30 June 1994, 940 (1994) of 31 July 1994, 944 (1994) of 29 September 1994 and 948 (1994) of 15 October 1994,

Recalling also the terms of the Governors Island Agreement (S/26063) and the related Pact of New York (S/26297),

Having considered the reports of the Multinational Force in Haiti (MNF), dated 26 September 1994 (S/1994/1107, annex), 10 October 1994 (S/1994/1148, annex), 24 October 1994 (S/1994/1208, annex), 7 November 1994 (S/1994/1258, annex) and 21 November 1994 (S/1994/1321, annex),

Having considered also the reports of the Secretary-General dated 18 October 1994 (S/1994/1180) and 21 November 1994 (S/1994/1322),

Noting the progress made in establishing a secure and stable environment in Haiti,

1. Welcomes the positive developments in Haiti since the deployment of the MNF in peaceful conditions;

2. Commends the efforts made by the MNF in Haiti to establish, in accordance with resolution 940 (1994), a secure and stable environment conducive to the deployment of the United Nations Mission in Haiti (UNMIH);

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* Reissued for technical reasons.

3. Pays tribute to President Jean-Bertrand Aristide for his efforts to promote national reconciliation;

4. Welcomes the establishment by the UNMIH advance team and the MNF of a joint working group to prepare for the transition;

5. Authorizes the Secretary-General to strengthen progressively the advance team of UNMIH up to 500 personnel in order to further facilitate planning of UNMIH, identification of conditions required for the transition from the MNF to UNMIH and preparation for the actual transition, as well as to make good offices available for the achievement of the purposes approved by the Security Council in resolution 940 (1994);

6. Requests the Secretary-General to inform the Council at regular intervals on prospective increases in the strength of the UNMIH advance team; such increases should take place in close coordination with the MNF Commander;

7. Invites the Secretary-General to expedite planning for the full deployment of UNMIH;

8. Encourages continuous close coordination between the MNF and the UNMIH advance team;

9. Decides to remain actively seized of the matter.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/RES/965 (1994)
30 November 1994

RESOLUTION 965 (1994)

Adopted by the Security Council at its 3473rd meeting,
on 30 November 1994

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), and its resolutions 912 (1994) of 4 April 1994, 918 (1994) of 17 May 1994, and 925 (1994) of 8 June 1994, which set out the mandate of UNAMIR,

Having considered the progress report of the Secretary-General on UNAMIR dated 25 November 1994 (S/1994/1344),

Noting the report of the Secretary-General on security in the Rwandese refugee camps of 18 November 1994 (S/1994/1308),

Recalling its resolution 955 (1994) of 8 November establishing the International Tribunal for Rwanda,

Stressing the importance of achieving genuine reconciliation between all elements of Rwandan society within the frame of reference of the Arusha Peace Agreement,

Noting the deployment of human rights officers to Rwanda by the High Commissioner for Human Rights in order to monitor the ongoing human rights situation, to help redress existing problems and prevent possible human rights violations from occurring, to help foster a climate of confidence and the establishment of a more secure environment and thus facilitate the return of refugees and displaced persons, and to implement programmes of technical cooperation in the field of human rights, particularly in the area of administration of justice,

Noting also that the widespread dispersal of landmines is causing hardship to the civilian population and is hampering the return of refugees and displaced persons and other humanitarian relief efforts,

Welcoming the establishment by the Secretary-General of a Trust Fund pursuant to resolution 925 (1994) of 8 June 1994,

1. Decides to extend the mandate of UNAMIR until 9 June 1995;

2. Reaffirms that UNAMIR will:

(a) Contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda including through the establishment and maintenance, where feasible, of secure humanitarian areas;

(b) Provide security and support for the distribution of relief supplies and humanitarian relief operations;

(c) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

3. Decides to expand UNAMIR's mandate to include the following additional responsibilities within the limits of the resources available to it:

(a) Contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, including full-time protection for the Prosecutor's Office, as well as security details for missions outside Kigali;

(b) Assist in the establishment and training of a new, integrated, national police force;

4. Strongly urges the Government of Rwanda to continue its cooperation with UNAMIR in the implementation of its mandate and in particular in ensuring unimpeded access to all areas of Rwanda by UNAMIR forces, personnel of the International Tribunal for Rwanda, and human rights officers;

5. Welcomes UNAMIR's efforts to increase its radio broadcasting capabilities so as to reach the refugee camps in neighbouring countries and expresses the hope that it will soon be possible for the Government of Rwanda to conclude appropriate arrangements with UNAMIR in this regard, including the allocation of a radio frequency;

6. Commends the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, and encourages them to continue and increase such assistance, particularly in Rwanda;

7. Requests the Secretary-General to make recommendations on possible steps that could be taken by the United Nations to promote the establishment of an effective mine clearance programme in Rwanda;

8. Calls upon the international community to provide resources needed to meet the immediate needs of the Government of Rwanda directly or through the Trust Fund established pursuant to resolution 925 (1994) of 8 June 1994;

9. Requests the Secretary-General, following the usual consultations, to inform the Council should he consider that the additional tasks in paragraph 3 require consideration of an adjustment in the logistic and personnel requirements of UNAMIR;

10. Decides to keep under review the situation in Rwanda and the role played by UNAMIR and, to that end, requests the Secretary-General to report to the Council by 9 February 1995 and 9 April 1995, on UNAMIR's discharge of its mandate, the safety of populations at risk, the humanitarian situation and progress towards repatriation of refugees;

11. Commends the efforts of the Secretary-General, his Special Representative and his Special Humanitarian Envoy to coordinate the United Nations response to the various aspects of the crisis in Rwanda;

12. Decides to remain actively seized of the matter.